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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,342	11/30/2001	Yoon Kean Wong	25216-0870	5175
30554	7590	03/16/2004		
SHEMWELL GREGORY & COURTNEY LLP 4880 STEVENS CREEK BOULEVARD SUITE 201 SAN JOSE, CA 95129			EXAMINER PRIZIO JR, PETER	
			ART UNIT 2674	PAPER NUMBER 8
DATE MAILED: 03/16/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,342

Applicant(s)

WONG ET AL.

Examiner

Peter Prizio

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12, 15, 17, 19-22 and 24-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 15, 17, 19-22 and 24-40 is/are rejected.
- 7) ☒ Claim(s) 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment filed on 26 December 2003.

Specification

2. The disclosure is objected to because of the following informalities: The definition of opaque is something that is not transparent. Therefore the use of opaque on page 7, line 21 makes no sense. Appropriate correction is required.

Claim Objections

3. The amendment to the claims filed on 26 December 2003 does not comply with the requirements of 37 CFR 1.121(c) because claim 34 is lacking the current status (New). Correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 12, 15, 17, 19 – 22, 24 – 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 12 cites the first limitation of "a bezel feature

coupled to the display assembly to at least partially circumvent the display assembly wherein the bezel feature is about a rotation axis” in line 5 and the second limitation of “a bezel feature moveably coupled to the housing to move between an open and a closed position” in line 15. Although the specification is enabling for the first limitation with respect to a first embodiment illustrated in figure 1 and the specification is also enabling for the second limitation with respect to a second embodiment illustrated in figures 3 and 4, the specification is not enabling for an electronic device comprising both limitations.

7. Claims 12, 15, 17, 19 – 22, 24 – 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no disclosure as to how the rotation of the bezel in the closed position is recognized.

8. Claims 29 – 34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not disclose a housing including a first slot on a first side and a second slot on a second side.

9. Claims 12, 15, 17, 19 – 22, 24 – 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention. Clarification and/or correction are required. Claim 12 is confusing and does not specifically point to one embodiment but actually a combination of embodiments. It is therefore unclear as to what the applicant is actually claiming.

10. Claim 17 recites the limitation "lid" twice in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 35 – 39 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication US 20030117380A1 to Kanzaki.

13. Regarding claim 35, Kanzaki (Figs. 1, 2 & 3) teaches an electronic device comprising a housing that contains one or more electronic components of the electronic device (paragraph 11, a display unit with a driver and control unit), a display assembly (1) wherein the display assembly is contact-sensitive (paragraph 17), and a processor (15) configured to display a bezel feature on the display assembly (paragraph 26, the virtual dial displayed on the display unit 12 is inherently displayed by a processor), detect a continuous contact with the display assembly having a starting point and a

finishing point (paragraph 25) wherein at least one of the starting point and finishing point is on a surface portion of the screen corresponding to where the bezel feature is displayed (paragraph 18), determine an input based on the continuous contact wherein the input is based on a position of at least one of the starting point and the finishing point (paragraph 25, from the start position of the touch to the end position of the touch constitutes a continuous touch), and perform an operation based on the input (paragraph 9).

14. Regarding claim 36, Kanzaki, as applied to claim 35, further teaches a bezel feature displayed on the perimeter of the screen of the display assembly (in figure 2, the dials are displayed on the perimeter of the screen).

15. Regarding claim 37, Kanzaki, as applied to claim 35, further teaches a response to the continuous contact where the processor is configured to present one or more items of the screen for selection (5-3).

16. Regarding claim 38, Kanzaki, as applied to claim 35, further teaches a response to the continuous contact where the processor is configured to perform one of more operations based on the continuous contact (paragraphs 28-34).

17. Regarding claim 39, Kanzaki, as applied to claim 35, further teaches a processor configured to perform one or more operations based on the duration of the continuous contact (paragraph 21).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanzaki as applied to claim 35 above and in view of US Patent 6,468,212 to Scott et al. (Scott).

20. Regarding claim 40, Kanzaki fails to teach a processor configured to enable a user to move a reference on the bezel feature an arc length and to interpret a position of the reference as an input, but Kanzaki does teach the appearance of the input apparatus can be any shape and combined with its teachings of detecting a start point and end point of the touch, as stated above, renders it obvious to modify the dial input with the dial as taught by Scott. Scott teaches (Fig. 5) a bezel feature (76) with a reference (78) and the user can move a reference on the bezel an arc length (column 8, lines 20 – 36) and interpret the position as an input (column 8 where control knobs are well known input devices). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kanzaki with the bezel shape as taught by Scott for the purpose of knowing if the knob has been turned into the danger zone (80). One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following publications have been cited to further show the state of the art of virtual bezels and their applications:

US Patent 5,706,448 to Blades

US Patent 5,903,229 to Kishi

US Patent 5,940,076 to Sommers et al.

US Patent Application Publication 2003/0095156 A1 to Klein et al.

US Patent Application Publication 2001/0026678 A1 to Nagasaka et al.

US Patent Application Publication 2002/0140633 A1 to Rafii et al.

Response to Arguments

23. Applicant's arguments with respect to claims 12, 29 and 37 have been considered but are moot in view of the new ground(s) of rejection.

24. It is admitted that the cited prior art does not disclose a bezel that acts as both a cover and an input device for a display as described in amended claim 12, but in light of the amended claims, a new grounds of rejection has been formed. See rejection above.

25. In response to applicant's argument regarding claim 29, the specification does not provide a disclosure of two slots wherein a bezel can extend out of two opposite sides of the housing and therefore in light of the amended claims, a new grounds of rejection has been formed. See rejection above.

26. It is admitted that the cited references does not disclose the virtual bezel of claim 37 is provided by a processor through a contact-sensitive display, but in light of the newly amended claims, a new grounds of rejection has been formed. See rejection above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Prizio whose telephone number is (703) 305-5712. The examiner can normally be reached on Monday-Friday (7:30-5:00), alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (703) 305-4709. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Peter Prizio

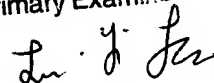
Examiner

Art Unit 2674

A handwritten signature in black ink, appearing to read 'Peter Prizio', written in a cursive style.

PP

Lun-Yi Lao
Primary Examiner

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